

## REMARKS

Upon entry of this amendment, claims 1-3, 5-15, and 19-42 will be pending in this patent application. The features of canceled claim 4 have been added to claim 1. The recitation of an outswing rail assembly has been deleted from claim 1 and reinserted in new claim 40. New claims 41 and 42 are based on original claims 17 and 18, respectively. The amendments to claim 35 have been presented to address the Section 112, second paragraph rejection, and find support in the original disclosure at page 30, lines 5-6, and Figures 63-66. Approval and entry of the claim amendments are respectfully requested.

Applicant notes the Examiner's indication that claims 4-39 contain allowable subject matter. In accordance with the Examiner's constructive suggestions, Applicant has amended the claims in accordance with this indication of allowability.

### *Specification*

Applicant has amended page 23 of the specification to reference the copending United States patent application. Applicant has also amended the specification to change "17" to read "173". Support for this amendment is found at page 13, line 2 and Figures 4 and 5. Applicant respectfully requests approval and entry of these amendments.

Applicant respectfully traverses the objection to the specification as failing to provide antecedent basis for "a stored portion." The Examiner's attention is directed to page 6, lines 27-28, page 7, lines 14, page 11, lines 9-10, and Fig. 64. Applicant respectfully requests that the Examiner reconsider and withdraw this objection.

*Claim Rejections -- 35 U.S.C. § 112*

Claims 36 and 37 have been rejected under 35 U.S.C. § 112, first paragraph, on the ground that the specification does not support the claiming in claim 36 of a spacer having a stored position.

Applicant respectfully traverses this rejection, and directs the Examiner's attention to page 6, lines 27-28, page 7, lines 14, page 11, lines 9-10, and Fig. 64, which describe and illustrate the stored position. Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

Claims 31-34 have been rejected under 35 U.S.C. § 112, second paragraph on the ground that claim 31 depends from itself. Applicant has amended claim 31 to depend from 30, and respectfully requests that the Examiner reconsider and withdraw the rejection in view of this amendment.

Claims 4, 5, and 35 have been rejected under 35 U.S.C. 112, second paragraph on the ground that the claims fail to recite sufficient structural elements and interconnections of the elements to positively position and define the claimed invention. Applicant respectfully submits that this rejection is overcome in part by the above amendments, and is traversed in part.

Claim 4 has been canceled, but its features have been added to claim 1 and amended to recite that the fixed component is secured to elongated sill assembly to position at least one of the plurality of adjuster assemblies beneath the at least one fixed component. It is respectfully submitted that as amended, claim 1 fully complies with the mandates of Section 112.

Claim 35 has been amended on the ground that it does not define "how the spacer component is positioned within the channel and below the lower portion of the elongated rail assembly." As amended, claim 35 recites that the spacer component, in its installed position

within the elongated channel, supports the elongated rail assembly in the vertical position. It is respectfully submitted that as amended, claim 35 fully complies with Section 112.

Applicant respectfully traverses the rejection of claim 36. The stored position is defined in claim 36 as within the rail assembly channel of the upper portion of the elongated rail assembly. Applicant respectfully submits that the location of the claimed stored position is clearly defined with regard to the other claimed elements. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, on the ground that the claims does not describe “an integral structure” with interconnections between structural elements, and in particular the cover, astragal bolt receiver, mullion boot, side spacer, and outswing rail assembly. Applicant respectfully traverses this ground of rejection.

Claim 5 recites that the “at least one sill component” may be any one or more of the cover, astragal bolt receiver, mullion boot, and side spacer. Claim 5 further recites that the sill component is “connected to one of the elongated rail assembly and the elongated channel.” Thus, claim 5 clearly defines an interconnection between the sill component(s) (i.e., the cover, astragal bolt receiver, mullion boot, and/or side spacer) and another claim element (i.e., the elongated rail assembly and/or the elongated channel).

For all these reasons, Applicant respectfully submits that the claims comply with 35 U.S.C. § 112, and respectfully requests reconsideration and withdrawal of the rejections.

#### ***Claim Rejections -- 35 U.S.C. § 102***

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,611,173 to Headrick et al.

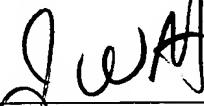
Applicant respectfully submits that this rejection is misplaced. However, in order to advance prosecution, Applicant has amended claim 1 to recite the features of claim 4, which was not subject to this rejection and which was identified by the Examiner as containing allowable subject matter. Claims 2 and 3 depend from claim 4. Accordingly, Applicant respectfully requests withdrawal of this rejection.

If any outstanding issues remain unresolved, the Examiner is respectfully requested to contact the undersigned by telephone to advance prosecution of the application.

In the event that any fee required for consideration of this response or the accompanying petition for revival or petition fee is deemed missing or inadequate, the Commissioner is authorized to charge the fee(s) to Deposit Account No. 50-0548 to revive the subject application and enter this response.

Respectfully submitted,

By:

  
Joseph W. Berenato, III.  
Registration No. 30,546  
Tel. No. (301) 896 0600  
Fax. No. (301) 896-0607

Berenato, White & Stavish, LLC  
6550 Rock Spring Drive  
Suite 240  
Bethesda, MD 20817